APPENDIX A

CALIFORNIA CITIES, COUNTIES, AND ORGANIZATIONS JOINING WITH THE CITY OF LOS ANGELES AS *AMICI CURIAE* LORILLARD V. REILLY

The following thirty California local governments, and one non-profit organization, join with the City of Los Angeles in filing this *Amicus* brief in support of the Commonwealth of Massachusetts. They have either passed ordinances similar to that enacted by the Commonwealth of Massachusetts and the City of Los Angeles, or wish to preserve the police power of local governments to take such action in the future.

Berkeley Population[1]: 102,724	Ordinance No. 6472-N.S. (adopted Jan. 26, 1999) prohibits tobacco advertisements in a publicly visible location within 1,400 feet of a school. The ordinance exempts advertisements inside a commercial establishment other than window advertising that is visible to the public from any street, sidewalk or other public thoroughfare.
Capitola Population: 10,171	Capitola does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.

[1] Population data based on U.S. Census Bureau Data, 1990 Census

Carlsbad Population: 63,126	Carlsbad does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Chula Vista Population: 135,163	Chula Vista does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Hawthorne Population: 71, 349	Ordinance No. 1655 (adopted Aug. 24, 1998) prohibits outdoor tobacco advertising signs within a residential zone, or within 1,000 feet of a school, park, playground, recreational facility, youth or childcare center, entertainment park, or church. The ordinance exempts signs located adjacent to a freeway.
Hayward Population: 111,498	Hayward does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Hollister Population: 19,212	Hollister does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Inglewood Population: 109,602	Ordinance No. 97-20 (Sept. 23, 1997) prohibits tobacco advertising on billboards within 1,500

	feet of, or oriented so that the message is visible from, any school, child care facility, nursery school, hospital, place of worship, park, or recreational facility.
Lakewood Population: 73,557	Lakewood does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Los Gatos Population: 27,357	Los Gatos does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Martinez Population: 31,808	Martinez does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Monterey Population: 31,954	Monterey does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Mountain View Population: 67,460	Mountain View does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Oceanside Population: 128,398	Ordinance No. 099-13 (adopted June 16, 1999) prohibits tobacco advertising displays inside stores if the signs are below 4 feet from the

	floor; within two feet of candy, snack, or non-alcoholic beverage displays; or posted on the inside or outside of the windows or doors of the business if the advertising is visible to the public from outside the establishment. Oceanside also prohibits tobacco product displays within two feet of candy, snack, or non-alcoholic beverage displays. These regulations apply to stores located within 1,000 feet of a school, recreation center or facility, child care center, arcade, or public library.
Palm Desert Population: 23,252	Palm Desert does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Palo Alto Population: 55,900	Palo Alto does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Pleasant Hill Population: 31,585	Ordinance No. 737 (adopted July 19, 1999) prohibits tobacco advertisements in a publicly visible location within 1,600 feet of an elementary, middle, or secondary school, a public playground, or a playground area in a public park. Pleasant Hill exempts advertisements inside a commercial establishment unless the advertising is attached to or in contact with a

	window or door so that it is visible to the public from any street, sidewalk or other public thoroughfare.
Pleasanton Population: 50,553	Pleasanton does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Sacramento Population: 369,365	Sacramento does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
San Diego Population: 1,110,549	Ordinance No. 18597 (adopted Oct. 20, 1998) prohibits publicly visible tobacco advertisements or promotions, except those within industrial or commercial zones and more than 1,000 feet from a school, playground, recreation center or facility, child care center, arcade, or library. San Diego also prohibits tobacco advertising displays that are below 4 feet from the floor and tobacco advertisements or product displays that are within 2 feet of candy, snack, or non-alcoholic beverage displays inside stores that are located within a 1,000 foot radius of a school, playground, recreation center or facility, child care center, arcade, or library.

San Francisco (City and County) City Population: 723,959 County Population[2]: 746,777	Ordinance No. 1-98 (adopted Jan. 5, 1998) prohibits tobacco advertisements that are visible from any street, sidewalk, or other public thoroughfare, except on billboards within 660 feet from the highway. San Francisco exempts indoor advertising except if attached to or in contact with a window or door so as to be visible from the street.
San Luis Obispo Population: 41,958	San Luis Obispo does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
San Marcos Population: 38,974	Ordinance No. 99-1066 (adopted July 13, 1999) prohibits tobacco advertising displays inside stores that sell tobacco products if the signs are below 4 feet from the floor; within two feet of candy, snack, or non-alcoholic beverage displays; or posted on the inside or outside of the windows or doors of the business if the advertising is visible to the public from outside the establishment. San Marcos also prohibits tobacco product displays within two feet of candy, snack, or non-alcoholic beverage displays.

[2] County population data based on U.S. Census Bureau, County Population Estimates Program, July 1, 1999

Santa Clara Population: 110,642	Santa Clara does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Santa Cruz Population: 49,040	Ordinance No. 99-05 (adopted Apr. 27, 1999) prohibits tobacco advertising in a publicly visible location except advertising in a non-residential zone provided the ads are more than 1,000 feet from a public or private kindergarden, elementary, middle, junior, or high school; licensed child-care facility or preschool; public park; ocean park; public library; or any designated bus stop. Santa Cruz exempts advertisements inside a commercial establishment unless the advertising is in or adjacent to a window or door so that it is visible to the public from any street, sidewalk or other public thoroughfare.
Saratoga Population: 28,061	Saratoga does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Tiburon Population: 7,532	Tiburon does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.

Town of Danville Population: 31,306	Ordinance No. 99-06 (adopted June 1, 1999) prohibits tobacco adver-tising in a publicly visible location within 1,600 feet of an elementary or secondary school, public park, or playground. Danville exempts advertisements inside a commercial establishment unless the advertising is attached to or in contact with a window or door so that it is visible from a street, sidewalk or other public thoroughfare.
Victorville Population: 40,674	Victorville does not currently have an ordinance regulating tobacco advertising, but wishes to preserve its right to enact such regulation in the future.
Los Angeles County Tobacco Control Alliance	The Los Angeles County Tobacco Control Alliance represents over 350 agencies and coalitions work-ing together to increase under-standing of the prevalence of smoking among youth and adults, and has participated in proce-edings involving tobacco regula-tory ordinances in many California municipalities.

APPENDIX B

CITY OF LOS ANGELES ORDINANCE NO. 172212

The following is Ordinance No. 172212, entitled Restrictions on Signs Advertising Tobacco Products, which was adopted by the City of Los Angeles on September 9, 1998. A substantially similar ordinance addressing advertisement of alcoholic beverages, not reproduced here, was adopted on the same date by the City of Los Angeles as Ordinance No. 172213.

RESTRICTIONS ON SIGNS ADVERTISING TOBACCO PRODUCTS

SEC. 45.20. PURPOSE. Regulating tobacco product advertising on certain signs is a reasonable and necessary means to protect and promote the general welfare of the children and minors of the City of Los Angeles exposed to certain signs advertising tobacco products.

The Supreme Court has repeatedly recognized that children and minors deserve special solicitude because they lack the ability to assess and fully analyze the information presented through commercial advertising.

Signs which can be seen from the outdoors are a unique and distinguishable medium of advertising which subjects the general public to involuntary and unavoidable forms of solicitation.

The regulations promote the general welfare and temperance of children and minors and are intended to help reduce the illegal consumption and purchase of tobacco products by children and minors by limiting their exposure to the advertising of tobacco products on certain on-site and off-site signs.

SEC. 45.21. DEFINITIONS. The following words and phrases, whenever used in this article, shall be construed as defined in this section. Words and phrases not defined herein shall be construed as defined in Sections 11.01, 12.03 and 91.6203 of this Code.

A. Entertainment Park – a commercial enterprise that offers rides, games and other entertainment.

B. Public Parks and Playgrounds – an area of land, beach or pier set aside for public recreational and/or ornamental purposes, which is under the control, operation or management of a governmental agency, and wherein there may be an area containing, but not limited to, equipment such as swings and seesaws, athletic fields, baseball diamonds, basketball courts, tennis courts, or swimming pools.

C. Publicly Visible Location – any outdoor location visible to the general public including, but not limited to, off-site signs, pole signs, wall signs, projecting signs, monument signs, illuminated architectural canopy signs, marquee signs, mural signs, freestanding signboards, and roof signs, and, including, any location that is inside a building wherein the sign is attached to, affixed to, leaning against, or otherwise placed within three feet of any window or door in such a manner that it is visible from outside the building. The term "publicly visible location" shall not include any location that is visible only by those inside the building premises.

D. Religious Institution – any building or structure that is maintained and used exclusively for religious worship, including customary incidental, educational and social activities in conjunction therewith.

E. Residential Use – any lot that is identified in the adopted Community Plan as having Commercial Land Use designation that permits residential uses.

F. Residential Zone – any RA, RE, RS, R1, RU, RW1, R2, RD, RMP, RW2, R3, R4, or R5 zoned lot as set forth in Section 12.04 of this code.

G. Schools – an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes kindergarten, elementary, junior high, senior high or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

H. Tobacco Products – any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipes, tobacco snuff, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco or products prepared from tobacco.

I. Youth Center – any designated indoor, public, private or parochial facility, other than a private residence or a multiple dwelling unit, which contains programs which provide, on a regular basis, activities or services for persons who have not yet reached the age of 18 years, including, but not limited to, community-based programs, after-school programs, weekend programs, violence prevention programs, leadership development programs, vocational programs, substance abuse prevention programs, individual or group counseling, remedial, tutorial or other educational assistance or enrichment, music, art, dance and other recreational or cultural activities, physical fitness activities and sports programs.

SEC. 45.22. PROHIBITIONS.

A. No person shall place, permit, or maintain on any on-site or off-site sign, a poster, placard, device, graphic display, or any other form of advertising that advertises tobacco

products in publicly visible locations within 1,000 feet of any residential zone, residential use, school, religious institution, entertainment park, youth center, or public park or playground except as permitted under Section 45.23.

B. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of a residentially zoned property, residential use, school, religious institution, entertainment park, youth center, or the perimeter of a public park or playground to the closest visible edge of the advertising sign face without regard to intervening structures.

SEC. 45.23 EXCEPTIONS. The prohibitions set forth in this article shall not apply to the following signs advertising tobacco products. This section shall not be construed to permit any sign that is otherwise restricted or prohibited by law.

A. The placement of signs advertising tobacco products:

(1) Inside the premises of a building that lawfully sells tobacco products, unless such sign is attached to, affixed to, leaning against, or otherwise placed within three feet of any window or door in such a manner that it is visible from outside the building; or

(2) On commercial vehicles used exclusively for transporting tobacco products.

B. Any on-site sign that contains the name or slogan of a business that lawfully sells tobacco products that has been placed at or upon the business premises for the purpose of identifying the business.

C. Any on-site sign that contains only generic word descriptions of cigarettes, cigars, tobacco, smoke, or any other generic description of tobacco products.

D. Any neon or electrically charged sign, if otherwise allowed by the Los Angeles Municipal Code, within the

premises of a building that lawfully sells tobacco products that is provided as part of a promotion of a particular brand of tobacco products, unless such sign is attached to, affixed to, leaning against, or otherwise placed within three feet of any window or door in such a manner that it is visible from outside the building.

E. Any sign located inside a stadium, arena, or amphitheater, provided the sign cannot be seen from outside the stadium, arena, or amphitheater.

F. Any sign or other form of advertising on a Metropolitan Transit Authority vehicle, or any other government operated, contracted or licensed mode or method of transportation. This exception shall not apply to any mode or method of transportation operated, contracted or licensed by the City of Los Angeles.

G. The display of public service messages or similar announcement opposing the use of tobacco products or that are designed to encourage minors to refrain from using or purchasing tobacco products. However, this subsection shall not be construed to permit an advertisement which purports to oppose the use of tobacco products when that message is conveyed in conjunction with the display of a recognized tobacco company logo, trademark or name used for marketing or promotion of tobacco products.

H. Any sign advertising of tobacco products that is otherwise consistent with the signage provisions contained in Article IV and Exhibit I of the Reciprocal Easement and Environmental Restriction Agreement by and among the City of Los Angeles, the Community Redevelopment Agency of the City of Los Angeles, and L.A. Arena Land Company, Inc., recorded in the official records of the County of Los Angeles as instrument No. 95801502.

I. The display of any non-commercial message.

SEC. 45.24. ENFORCEMENT. Violations. It shall be unlawful for any person to violate any provision of this article. Any person or who violates any of the provisions of this article or causes or permits another person to violate any of the provisions of this article is guilty of a misdemeanor. Each violation of the provisions of this article shall constitute a separate offense.

SEC. 45.24. OPERATIVE DATE. The provisions of this article shall become operative 365 days from its effective date.